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**NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH**

PRESENT: HON'BLE SHRI BIKKI RAVEENDRA BABU – MEMBER JUDICIAL

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING HELD ON 07.09.2018 AT 10.30 AM

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	CA No. 844/252/HDB/2018
NAME OF THE COMPANY	B.D.P. Agro Farms Pvt Ltd
NAME OF THE PETITIONER(S)	B.D.P. Agro Farms Pvt Ltd
NAME OF THE RESPONDENT(S)	Registrar Of Companies, Hyderabad
UNDER SECTION	252

Counsel for Petitioner(s):

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature

Counsel for Respondent(s):

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature
T. Sujana Kumar Reddy	Adv.	9160001435	Tsj
for ROC			

ORDER

Learned counsel Ms. Suma present on behalf of Mr. T.Sujan Kumar Reddy for ROC.

Order pronounced in open court.

Application is allowed.

Vide separate order.


MEMBER JUDICIAL

**IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH, HYDERABAD**

CA No.844/252/HDB/2018

U/s. 252 of the Companies Act, 2013

**In the matter of M/s. B.D.P. AGRO FARMS PRIVATE
LIMITED.**

M/s. B.D.P Agro Farms Private Limited,
Having its Regd. Office at D.No.25-1-18,
J.K.Puram, Rajahmundry – 533 103,
East Godavari, Andhra Pradesh.
Represented by its Director,
Mr.Durga Prasada Bommana.

...Applicant Company

Versus

The Registrar of Companies, Hyderabad
For Andhra Pradesh and Telangana,
Corporate Bhavan, 2nd Floor,
GSI Post, Tattiannaram,
Bandlaguda, Hyderabad,
Telangana – 500 068.

...Respondent

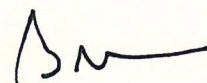
Date of Order: 07.09.2018

Coram:

Hon'ble Shri Bikki Raveendra Babu, Member Judicial

Counsels/Parties Present:

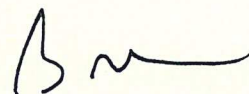
For the Applicant Company : Mr.K.Phani Kumar
Counsel



For the Respondent/RoC : Mr.P.Ponna Rao,
CGSC.

ORDER

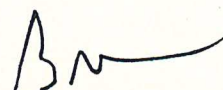
1. M/s. B.D.P. Agro Farms Private Limited hereinafter called as 'Applicant Company' and was incorporated on 09.09.1996 vide CIN:U01119AP1996PTC025149. Its Registered Office is situated at Rajahmundry, East Godavari in Andhra Pradesh. Applicant Company has Two Directors. This Application is filed by the Company represented by its Director Mr.Durga Prasad Bommana, under section 252 (3) of the Companies Act, 2013 seeking restoration of name of the Applicant Company i.e., M/s. B.D.P.Agro Farms Private Limited in the Register of Companies maintained by the Office of Registrar of Companies. The Board of Directors of the Company in the meeting held on 01.08.2018 resolved to file application seeking restoration of the Company and further authorized Mr.Durga Prasad Bommana, Director to file this application on behalf of the Company.
2. The main objects of the Applicant Company are to carry on the business of growing, reaping and harvesting of vegetables, fruits, edible oil seeds pulses, cash/commercial crops and grading, packing cold storing, selling, and exporting/importing of the agricultural produces.
3. The Registrar of Companies for Andhra Pradesh and Telangana struck off the Applicant Company's name from the Register of companies, due to non-filing of Statutory reports namely Financial Statements and Annual Returns for the financial years 2005-06 to 2015-16.



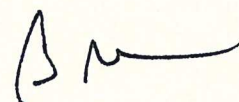
4. The Authorised share capital of the Company is Rs.20,00,000/- (Rupees Twenty Lakhs Only) divided into 20,000 (Twenty Thousand Only) number of Equity shares of Rs.100/- (Rupees Hundred Only) each, and the Current Issued, Subscribed and Paid up capital of the Applicant Company is Rs.10,33,000/- (Rupees Ten Lakh and Thirty Three Thousand Only) divided into 10,330 (Ten Thousand Three Hundred and Thirty) number of equity shares of Rs.100/- each.
5. It was submitted that the Company is doing business since its incorporation and maintaining all the requisites documentation but due to lack of guidance the Promoter Directors of the Company were not concentrated on the RoC filing and the Company could not file Annual Returns for the Financial Years 2005-06 to 2015-16 in time.
6. It was submitted that Applicant Company has been carrying Agricultural activities and Company was earned nominal income i.e., through sale of Agriculture produce every financial year. . The Directors of the Company now decided to gear up the operations of the Company by seeking restoration of the name of the Company in the Register of Companies maintained by the Registrar of Companies. Applicant Company undertook to file the outstanding statutory returns, by paying additional fee as applicable.
7. It was further submitted that Applicant Company filed Annual Reports for the financial years 2005-06 to 2015-16 and IT Returns acknowledgments for the

assessment years 2015-16 to 2017-18. The Applicant Company also filed an affidavit stating that the Company did not deal with receipts/deposits of any huge amounts of cash in violation of Income Tax Act Rules or any other applicable Banking Rules, during demonetisation period from 8.11.2016 to 31.12.2016.


8. The Registrar of Companies in his representation stated that he has no objection, if this Tribunal considered the request of the Applicant Company for restoration of name of the Company in the Register of Companies subject to the conditions that Applicant shall comply the statutory requirements and file an Affidavit relating to deposits of cash in Banks during demonetisation period. RoC also requested to award cost of the proceedings.
9. Section 252(1) enables any person aggrieved by an order of the Registrar, notifying a company as dissolved under section 248, may file an appeal to the Tribunal on the following ground:-
 - a) Removal of name of the company from the Registrar of Companies is not justified for the reason that the grounds stated in the orders of the Registrar are not in fact present.
10. Section 252(3) enables the company, its members, Creditors Workmen or employee to seek for restoration of the Company on following grounds in case the Company having its name struck off from the Register of Companies:-
 - a) Company was carrying on business or in operation on the date on which the Company was struck off.



- b) Otherwise it is just to restore the name of the Company.
11. In the instant case, the copies of Annual Returns filed by the Applicant Company disclose that the Company was carrying on business on the date on which it was struck off. This Application is filed within time. This Application is disposed of with the following directions:-
- i) The Registrar of Companies, the Respondent herein, is ordered to restore the original status of the Applicant Company as if the name of the Company has not been struck off from the Register of Companies and take all consequential actions such as change of Company's status from 'Strike Off' to 'Active' (for e-filing), restoring the status of DIN and etc.,
 - ii) The Applicant Company is directed to file all the statutory document (s) along with prescribed fees/additional fee/fine as decided by RoC within thirty days from the date on which its name is restored on the Register of Companies by the RoC;
 - iii) The restoration of the Company's name is also subject to the payment of cost of Rs.10,000/- (Rupees Ten Thousand Only) through online payment in www.mca.gov.in under miscellaneous fee by mentioning particulars as "payment of cost for revival of Company pursuant to orders of Hon'ble NCLT in CA No.844/252/HDB/2018";



- iv) The Applicant Company is permitted to deliver a certified copy of this order with RoC within thirty days of the receipt of this order;
- v) On such delivery and after duly complying with above directions, the Registrar of Companies, Hyderabad is directed to, on his office name and seal, publish the order in the Official Gazette;
- vi) The Applicant Company shall publish a notice in leading newspaper in the district, regarding restoration of company after taking approval of the draft notice from RoC. The RoC is directed to verify the draft notice and approve the same if it is in order.
- vii) RoC is directed to publish in the Official Gazette of the Government of India with regard to the restoration of the name of the Company in the Register of Companies maintained by the Office of the Registrar of Companies at the expenses of the Applicant Company.


BIKKI RAVEENDRA BABU
Member Judicial